

REMARKS

Claims 1, 3, 4 and 6 remain pending in this patent application.

ALLOWABLE SUBJECT MATTER

Since claims 3 and 6 were not subjected to a rejection on any grounds in the last Office Action, Applicant assumes that these claims are allowable. In view of the discussion below, Applicant therefore submits that all of the pending claims are in condition for allowance.

DOUBLE PATENTING REJECTIONS

Claims 1 and 4 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 5 of co-pending application No. 10/671,772. In addition, claim 1 stands provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 1 of co-pending application No. 10/834,014. Applicant traverses these rejections.

Without acquiescing in the rejections, Applicant is submitting, as an attachment to this paper, a Terminal Disclaimer that applies to both of the co-pending applications identified above.

In view of the Terminal Disclaimer, Applicant submits that the double patenting rejections have been obviated.

CONCLUSION

In view of the amendments, observations and arguments presented herein, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections stated in the outstanding Office Action and recognize all of the pending claims as allowable.

If unresolved matters remain in the present application, Applicant invites the Examiner to contact Frederick R. Handren, Reg. No. 32,874, at the telephone number of the undersigned below, so that a quick resolution of these matters can be pursued.

Application No. 10/840,222
Amendment dated December 20, 2006
After Final Office Action of September 20, 2006

Docket No.: 0033-0930PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 20, 2006

Respectfully submitted,

By


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Attachment: Terminal Disclaimer (1 page)